

2009

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[illegible]

[illegible]	[illegible]	الصفحة

[illegible]

2009

Abstract

Authentic electronic signature in civil and commercial transactions Comparative study

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Mu'tah University, 2009

The scientific development of information technology has come up with anew form of "writing". The traditional form of writing is no longer able to achieve its purpose ,particularly in electronic transactions in both civil and commercial matters. The E-Commerce has necessitated the use anew form of authentication tool; it is the Electronic Signature which consists of one or more letters, characters, numbers or other symbols in digital form incorporated in, attached to or associated with an electronic document. There exists many legal and practical issues regarding the legal value of Electronic Signature in proof .Although E-messages may often include information about the entity sending a message ,that information may not be accurate .E-signatures can be used to authenticate the source of messages.When ownership of a digital signature secret Key is bound to a specific user, a valid signature shows that the message was sent by that user. The importance of these issues has led the International organizations to draft model laws on E-Commerce and E-Signatures.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [1] [illegible] [2] [illegible] [3] [illegible] [4] [illegible]

(1) [illegible] 2005 [illegible] 327.

(2) [illegible] 2006 [illegible] 77-78.

(3) [illegible] 1999 [illegible] 20.

(4) Berlioz –Houin (B.) et Berlioz (G.): le droit des contrats face a l'evolution econiomique, etudes a R. Houin 1985, p. 11.

une inscription ":[1] [illegible] "Robert" [illegible] qu'une personne fait de son nom (sous une forme particuliere et constitute) pour affirmer l'exactitude.la sincerrite du'n ecrit ou en assumer la responsabilite".

[illegible] .[2]

[illegible]

[illegible] .[3]

[illegible] .[4]

[illegible] .[5]

---

(1) [illegible] 2007 [illegible] 9.

(2) [illegible] 152.

(3) [illegible] 179.

(4) [illegible] 2002 [illegible] 23-25.

(5) [illegible] 152.

[illegible]

[illegible]

.[1][illegible]

[illegible]

.[2][illegible]

[illegible]

[illegible]

.[3][illegible]

:[illegible]

"constitute une signature valuable toute marque distinctue et personnelle manuscrite permettant d'inividualiser son doute possible et traduisant la volonte non equivoque de celui-ci de consenter a l'acte.[4]

[illegible]

.[illegible]

[illegible]

.[illegible]

"La signature de l'acte est la seule formalite essentielle pour la validite des actes sous seing prive"[5].

---

(1) Deverys (C.): du sceau numrique a la signature nrmrique, Rops.OJ,T.L, 33.Dhenin , vers une adminstration sans popier, paris, la documentation francaise, 1996,P.96.

(2) [illegible] 1993 [illegible] .12

(3) [illegible] 44-28-37 [illegible] 1993/1/14

(4) Paris 22 mai 1975, D. 1976, Somm. 8.

(5) Cass. Civ. 15 juill . 1957:D. 1957, somm. 143.

[illegible] (1).

2.1 [illegible]

[illegible]

1- [illegible]

[illegible] (1/11) [illegible] 1963 [illegible] 16 [illegible] 2005 [illegible]

[illegible]

[illegible] (2) [illegible] (14) [illegible] (3) [illegible]

(1) [illegible] 2138 [illegible] 2 [illegible] 1986/3/6 [illegible] 37 [illegible] 302.

(2) [illegible]:

Ghestin (J), et Goubleaux (G.): triate de droit civil, introduction generale, 3e ed., paris, 1990, p. 590.

(3) [illegible] 527 [illegible] 4 [illegible] 1978/1/31 - 29 - 357.

[illegible] 16) [illegible] 1966/380 [illegible] (110) [illegible] (1966 [illegible]:

'la letter de change contient :… 8-la signature de celui qui emet la letter (trieur) cette signature est appose, soit a la main, soit par tout procede non manuscript

[illegible]

[illegible] [1] [illegible] [2] [illegible] [3].

[illegible] [4] [illegible] [5].

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(1) [illegible]

(2) [illegible] 2003 .49

(3) [illegible] .178

(4) [illegible] (15) [illegible] 30 [illegible] 1965/1/14 - 16 - .58

(5) C. A., paris , 22 mai 1978, D 1979, somm, p. 8.

(4) Ghestin (J). et Goubleaux (G.): op. cit, 590.

(5) Cass. civ. 15 mai 1993, R.T.D.civ. 1994, 167.

(1) .197- 196

(2) 33 1966/6/2 - 17 .131

(3) 2007 .25

(4) .81

[illegible] .[1]

[illegible]

[illegible] [2] [illegible]

[illegible] [3] [illegible] [4] [illegible] .[5]

[illegible]

3- [illegible]

[illegible]

(1) [illegible] 1991/3/4 [illegible] 2803 [illegible] 60 [illegible].

(2) [illegible] 93 [illegible]

(3) [illegible] 194 [illegible].

(4) [illegible]

(5) [illegible] 1982/12/28 [illegible] 596 [illegible] 47 [illegible].

[illegible] (1) [illegible] (2)

[illegible]

[illegible]

[illegible] (1/11) [illegible] (3) [illegible] (4)

(1) [illegible] /87 [illegible] (24) [illegible] 1988 [illegible]

(2) [illegible] /6 [illegible] (16) [illegible] 2005 [illegible] :1 - [illegible]

(3) [illegible] .85

(4) [illegible] 2007-2057 [illegible] 2008-2-\18 [illegible]

"Ses heritiers ou ayants cause peuvent se contenter de declarer qu ils ne connassent point lecriture ou la signature de leur auteur".

[illegible]

[illegible] (1)

[illegible] (2)

[illegible]

[illegible] 1/12 [illegible]

[illegible]

(1) [illegible] 221-222.

(2) [illegible] 90.

(1) .97
(2) .231-228
(3) .96

1.2

(1) .1845 2003

(2) .89

[illegible]

1.1.2 [illegible]

[illegible] [1] [illegible]

.1 [illegible]

[illegible] 296 [illegible] [2]

[illegible] 2000/ [illegible] 29- 18 [illegible]

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(1) [illegible]

(2) [illegible] 2004 [illegible] .25

[illegible] [1]

[illegible] [2]

[illegible] [3] [illegible] [4]

---

(1) [illegible]:

"les Etats veillent a' ce que leur systeme juridique rende possible la conclusion des contrats par voie elctronique. Les Etats member's assurent notament que le regime juridqiue applicable en processus contractual ne fasse pas abstacle aI utilization des contrats electroniques au ne conduise pas a priver d'cefect et de vabiclite juridique de tells contrats pour le motif qu'ils sont passe's par voie electronique".

[illegible] 2004 [illegible] .55[illegible]

(2) Sinis vinenzo , digital signature legislation in Europe, international business lawyer, December 2000, vol 28 , no 11, p 487, laetitia Rolin jacquemyns Et thibault verbiest , L'offre De services et de prouduits financiers sur intend , p.19 .

(3) Sinis vinenzo, digital signature legislation in Europe, international business lawyer, December 2000, vol 28, no 11, p 487, laetitia Rolin jacquemyns Et thibault verbiest, L'offre De services et de prouduits financiers sur intend, p. 19 .

(4) Sinsi Vienzo , digital signature legislation in Europe , op , cit. pp. 487-490.

[illegible]

[illegible]

1. [illegible]

[illegible] (9/102) [illegible] 2000/10/1 [illegible] 2000/6/3 [illegible] (2)

[illegible]

(1) [illegible] .1851

(2) 102/9 "an electronic sound symbol or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record".

[1]

.2

[2] [3]

1316/

2/1316 3 2000

(1) [illegible]

(2) [illegible] 2008 .403

(3) [illegible] 2006 .53

[illegible] Sign 2000 [illegible] 295 [illegible]

.3

(1) .44 2007

(2) 271 /98

(3) John D. Gregory, Canadian and American legislation on electronic signatures with reflection on the European union directive, p15 .

http:// pages. Ca. inter.net/~euclid1/esiglaws.htun

(9/a) :" An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable".

.1

.(1)

2004 (15)

.(2)

(1) .56

(2) .77

[illegible] [1] [illegible]

3. [illegible]

[illegible] [2] [illegible] [3] [illegible] [4]

[illegible]

(1) [illegible]

(2) [illegible] 103 [illegible]

(3) [illegible] 83 [illegible]

(4) [illegible] (10) [illegible] 2004 [illegible] 2007 [illegible] 173 [illegible]

[illegible] .(1)[illegible]

[illegible] 2.1.2

[illegible]

[illegible] :[illegible]

[illegible] .(2)[illegible] .(3)[illegible]

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(1) [illegible] unctral law of electrons signature [illegible]

(2) [illegible] .173[illegible]

(3) [illegible] 35 [illegible]
E.davio Internet face au deroit, Cahier du C.R.I.D., N12; Ed :[illegible]
Story Scientica, 1997, p. 80.

(1) 2003 2-10 .591

(2) .38

(3) 2000 .3

[illegible]
[illegible]
[illegible]
. [1] [illegible]

[illegible]
[illegible] [2] [illegible]
1989 [illegible]
[illegible]:

1. [illegible].
2. [illegible].

[illegible]
[illegible]
. [3] [illegible]

[illegible]
[illegible]:

"The digital signature is a short unit of data that bears a mathematical relationship to the data in the document's content"[4].

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(1) [illegible] .41 [illegible]

(2) [illegible]
[illegible] .246 [illegible]

(3) [illegible] 1989 [illegible] 8 [illegible]
Cass. Civ., 8 novembre.1989, [illegible] . cre'dicas [illegible]
Dalloz, 28 Juin 1990 m n.25.

(4) [illegible]
.44[illegible]

2.2

1.2.2

[illegible] (Biometric signature) [illegible]

[illegible] [1] [illegible] finger prints [illegible] [2] voice recognition [illegible] retinal scan [illegible] [3]

[illegible] [4] [illegible]

(1) [illegible] 2006 [illegible] .158

(2) [illegible] .424

(3) [illegible] .53

(4) [illegible] 28-26 [illegible] 2001 [illegible] 24 [illegible] .19

[illegible]

"Pen-op"

Electronic pen

(1) .41

(2) 1998 .112

[illegible] [1].

[illegible]:

1. [illegible] The signature capture service.

2. [illegible] The signature verification service. [2]

[illegible]

[illegible] (personalidentification number):

[illegible] "ATM" [illegible]

[illegible]

[illegible] (PIN) [illegible] [3] [illegible]

[illegible]

[illegible] [4] [illegible]

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(1) [illegible] 52.

(2) [illegible] 422.

(3) [illegible] 93-94.

(4) [illegible] 54.

[illegible] .[1]

[illegible] (Digital Signature)

[illegible] .[2]

[illegible] .Encryption [illegible]

[illegible] :Symmetric [illegible] - 1

[illegible] Asymetrique [illegible] .[3]

(1) [illegible] .57

(2) [illegible] .42

(3) [illegible] .592

[illegible] - 2

[illegible]

[illegible]

[illegible]

.[1] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

.[2] [illegible]

[illegible]

[illegible]

.[3] [illegible]

[illegible]

[illegible]

[illegible] (HASH) [4] [illegible]

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(1) [illegible] 2002 [illegible] .185

(2) [illegible]:

Schneier (B) :Cryptography Applique International Thomas, on Publishing Frame 1994, P.197

(3) [illegible] .61

(4) [illegible] (Hash Function) [illegible]

[illegible]

(on- line)

www.sheikhmohammed.com.ae

(1) .94-93

(2) .197

(3) 2000 .239

2.2.2

[illegible]

[illegible] .[1] [illegible]

.[2] [illegible] 214 [illegible]

[illegible]:

[illegible]

[illegible]:

1- [illegible] (Debit Card):

[illegible] (on-line) [illegible] .[3] [illegible]

[illegible] (off-line) [illegible] [4] [illegible]

[illegible]

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(1) [illegible] ص279.

(2) [illegible] 2004 [illegible] ص130.

(3) [illegible] ص102.

(4) [illegible] 1999 [illegible] ص10 [illegible] ص31-30.

[illegible] "la carte bleu" [illegible]
[illegible] [1].

[illegible]

2- [illegible] Charge Card

[illegible] [2] [illegible] [3].

3- [illegible] Automated Teller Machine (ATM) [illegible]

[illegible]

---

(1) [illegible] 123.
(2) [illegible] 133.
(3) [illegible] 30.

Credit Card : 4

(1) .12 2000 10 19

(2) 1996/ 17-16

-1 .4 2000/ /3

(3) -30 2008

.31

[illegible]

.American express[1] visa-master card

Internet Card :[illegible] -5

[illegible]

1- [illegible]

2- [illegible]

3- [illegible] (password) [illegible] (user ID) [illegible]

.expiration (date) [illegible]

[illegible]

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(1) [illegible] 2002 [illegible] .38-37

(E- [illegible]

.[1] count)

6- [illegible] Smart Cards [illegible] (8

[illegible] (biometrics) [illegible]

[illegible].[2]

[illegible].[3]

[illegible]

(1) [illegible] .137-136[illegible]

(2) [illegible] .54[illegible] 1999 [illegible]

(3) [illegible] .141[illegible]

(Microprocessor)

. [1]

- 1

(Citibank) - 2

. [2]

- 1

- 2

- 3

1997

"European Initiative in Electronic Commerce" [3]

---

(1)

.31

(2) 36

.33

(3) The economic and social committee of the regions :An European Initiative in Electronic commerce communication to the European parliament, the council: com(97) 15.

[illegible]

[illegible] :(PIN)

1 - [illegible]

2 - [illegible] [1].

3 - [illegible]

[illegible] [2].

[illegible]

---

(1) [illegible] 116.

(2) [illegible] 39.

(E-electronic)

(business to consumer)

(1) Thomson west: E-commerce,The Internet, and law Cases and materials, American Casebook Series, p 51-53

(2) .13

(3) 2

(4) 2006 .12

(5) http://www.al-jazirah.com/digimag/15022004/elc74.htm

[illegible] (business to business) [illegible] .2

[illegible].

[illegible]

[illegible]

[illegible] (E- bay) [illegible]

[illegible]

[illegible]:

(Electronic- checks) [illegible] -1

[illegible]

[illegible]

[illegible] [2].

[illegible]

[illegible] [3] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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(1) http://ar.wikipedia.org/wiki/

(2) [illegible] .17[illegible]

(3) [illegible]

[illegible]

[illegible] (22) [illegible]

[illegible] .43[illegible]

[illegible].

clearing house

(1) (123) 996/16.

(2) 370-371.

(3) 92

70.

[illegible]

[illegible]

[illegible]

(1) Kosiur, David. Understanding Electronic Commerce, Microsoft Press, USA,1997, p. 51-52.

(2) [illegible] 2000 [illegible] 237 [illegible] 20 [illegible] 116

(3) [illegible] 117 [illegible] 27.

(4) Kosiur, David. Understanding Electronic Commerce, Microsoft Press. USA, 1997, p. 53.

2 - [illegible]

[illegible].

3 - [illegible]

[illegible].

[illegible] (19) [illegible]

[illegible] (20 ،21 ،22 ،23 ،24) [illegible]

[illegible].

[illegible]

[illegible]

[illegible]

[illegible].[1]

2 - [illegible] (E- BILL OF LADING):

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible].[2]

[illegible]:

1 - [illegible].

---

(1) [illegible]

[illegible] 2005، ص49.

(2) www.a3mal.info/showthread.

2 - [illegible] (198) [illegible] .[1]

3 - [illegible]

4 - [illegible] .(2)

[illegible] (3) [illegible] .(4)

[illegible] .(5)

(1) [illegible]

(2) [illegible]

(3) [illegible] 1998 [illegible] 100 -101.

(4) [illegible] 42 -43.

(5) [illegible] 50.

(1)

(1978) (14)

(2)

. www.freightdata.com

(1) .49 2000

(2)

298 1997

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] [1].

[illegible]

[illegible]
[illegible]
[illegible]
[illegible] [2] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
(Internet).

[illegible]
[illegible] [3].

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(1) [illegible] 2000 [illegible] www.emirsal.com [illegible]

(2) [illegible] 599.

(3) [illegible] 2001 [illegible] 2-1 [illegible] 7.

1. [illegible] "Chatting"

[illegible] chatting [illegible]

[illegible] chatting [illegible] [1]

[illegible] Chatting.

[illegible] "central server" [illegible]

[illegible] chat room [illegible] [2]

[illegible] chatting [illegible] e-mail [illegible] e-mail [illegible] e-mail [illegible]

(1) http: searchsoa.techtarget.com/sdefinition/sid26-gci211777100. htm

(2) www.smartcomputing.com/articals.archive/r0502/18r02/18r02.pd2.guie/

2. [illegible]: E-mail [1].

[illegible]

[illegible] .[3]

[illegible] "E-mail" [illegible] "Ray Tomlinson" [illegible] send [illegible] message [illegible] cypnet [illegible] Ray Tomlinson [illegible] .[4]

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(1) [illegible] electronic mail [illegible] carrier [illegible] .e`lectronique

(2) [illegible] 9 [illegible] 2000 [illegible] 2000 [illegible] 80.

(3) Andr`e Bertrand: Internet et le droit, presses universitaires de france, 1999, p. 57 .

(4) [illegible] www.c.arad.com.

[illegible] 1971 [illegible][1] @ [illegible]

[illegible] . tomlinson@bbn-tenexa [illegible]

[illegible]

[illegible] "[2] [illegible]

[illegible] ."[3]

[illegible][4] [illegible]

---

(1) [illegible] at [illegible] chez [illegible].

(2) "ou' ils de'finissent le courier e'lectronique comme"une facult'e d E'change asynchrone des messages entre ordinateurs
- p.breese et G. kaufman, quide Juridique de l`internet et du commerce `electronique, vuibert,2000,p77.

(3) "Method permettant d'e'changer des messages e'crits entre diffe'rents postes d`un r'eseau informatique".
- F. Colantonio, la protection du secret des couriers e'lectroniques en Belgique : Aspect techniques, des criminology, 2002, p. 9.

(4) "Electronic mail is" "a document created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments, such as word processing and other electronic documents. Which may be transmitted with message". [illegible] 322 [illegible] 2005 [illegible] .13

[illegible]

[illegible][1] ... 1986 ...

[illegible][2]

... 22 ... 2004 ...

[illegible]

... (85) ... 2001 ...

- Karen M., Coon, E-mail, and the attorney-client privilege Richmond journal of law and Technology, 2001.
  www.Richmond.edu : [illegible]

(1) The electronic communication privacy act of 1986-ECPA.

(2) The Electronic mail defined as: A form of communication by which private correspondence is transmitted over public and private telephone lines. in its most common form, messages are typed in to a computer terminal, and then transmitted over telephone lines to a recipient computer operated by an electronic mail company .if the intended addressee subscribes to the service, the message is stored by the company's computer "mail box" until the subscriber calls the company to retrieve its mail, which is then routed over the telephone system to the recipient's computer".
  . www.findlaw.com : [illegible]

[illegible]

(1) [illegible] 81.

(2) [illegible] 57-59.

(3) Kosiur, David, Understanding Electronic Commerce, op. cit, p. 39.

(4) [illegible] 85 [illegible] 2001.

(5) [illegible] (13) [illegible] 2001/37.

.(1)

.(2)

.(3)

.(4)

(1) .53

(2)

(3) .170

(4) .65

2 -

(1) (2)

3 -

(1) .28

(2) .152

(3) .41

(1) .31ص

(2) .33ص

(3)

2003 .1861ص

(4) .1861ص

(5) .335ص

[illegible] .(1)

4 - [illegible]

[illegible]

[illegible]

[illegible] .(2)

[illegible]

[illegible]

[illegible] .(3)

---

(1) [illegible] .29ص

(2) [illegible] .86ص

(3) [illegible] .54ص

[illegible] (15) [illegible]

[illegible] :2004 [illegible]

[illegible] .[1]

[illegible] 2) [illegible]

[illegible] :2002 [illegible] 2 [illegible]

[illegible] .[2]

[illegible] 7) [illegible]

[illegible] .[3]

2.3.2 [illegible]

[illegible]

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(1) [illegible] .68

(2) [illegible] 13/12/1996 [illegible] 93/999 [illegible] (11/2) [illegible]

(3) [illegible] .57

[illegible] [1]

[illegible]:

1- [illegible].

2- [illegible].

3- [illegible].

[illegible]

[illegible] [2]

1. [illegible]:

[illegible] [3] [illegible] [4]

[illegible]

[illegible]

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(1) [illegible] 445.

(2) [illegible] 448.

(3) [illegible] 84.

(4) [illegible] 445.

(2) 445-446.

(3) 265-270.

(1) Thomson West: E-Commerce, The Internet, and law Cases and materials, American Casebook Series, p 45-49.

[illegible]

(1) [illegible] 132 [illegible] .45-49

(2) Thomson west: E-commerce, the internet, and law cases and materials, American casebook series, p 50 .

[illegible] (1)

2. [illegible]:

[illegible] (2)

[illegible] 93 [illegible] (3) [illegible]

[illegible] (4) [illegible] (5) [illegible]

---

(1) [illegible] 10-12 2003 [illegible] 472.

(2) [illegible] 446.

(3) [illegible] 1999 [illegible] 43-45.

(4) [illegible] 65-64.

(5) [illegible] 86-87.

(1) .46-47 2000

(2)

(3) .447

1.3

1.1.3

(1) .32

(2) .400

[illegible]

(1) [illegible] .55 [illegible] 1985 [illegible]

(2) [illegible] (1987/509) [illegible] 35 [illegible] 10 [illegible] 1987 [illegible] .1588

[illegible]

(1) [illegible] .56-5

(2) [illegible] .48

(3) [illegible] (88/491) [illegible] 1989 [illegible] .456

(4) [illegible] (68/66) [illegible] 1968 [illegible] 718 [illegible] (1986/640) [illegible] 1989 [illegible] .1689

(1) J.carbonnier, droit civil, introduction, less personnes, PUF.paris 1991, no.182; j. GHESTIN, G. GOUBEAUX et M fabre_ magnan, tratte de drott civil, introduction, generale, lgdj, paris 1994,NO.564; G. virassamy, note sous Cass. Civil. 1 ere, 8 nov. 1989. JCP 1990-1-21576, No. 4.

(4) J.CARBONNIER, OP.cit.no.182, J.GHESTIN et autres ,OP, cit, no. 567.

(1315) ... [1] ... [2]

... [3]

... [4]

(1/60) ... [5]

---

(1) (1315):

Art. 1315." celuli qui reclame l'exeution d'une obligation doit la prouver. Reciproquement, cleui qui se pretend libere , doit justifier le payement ou le fait qui a produit l'exitinction de son obligation".

(1971 71-941 du 26 nov.):

- "qui se rattachent au droit civil et partisulierement aux actes notaryes, consi-deres comme actes authentiques, a l exclusion de culles qui concernent uniquement I organization et le regime du notariat.

(3) Cass.civ.3, 16 nov, 1997, Bull. Civ, II, n.993, p.300.

(4) ... .402

(5) (1/60) ...

[illegible] [1].

[illegible] [2] [illegible] [3].

[illegible] [4].

[illegible]

[illegible]

---

(1) [illegible] 216 [illegible] 71.

(2) [illegible] 21244 [illegible] 1990/12/19 [illegible] 41 - 23 [illegible] 98.

(3) [illegible] 1186 [illegible] 50 [illegible] 1985/3/13 [illegible] 450 [illegible] 21 [illegible] 1955/4/14.

(4) [illegible] 32.

(1) [illegible] .404-403

(2) [illegible] .73

[illegible] [1]

.[2] 1985 [illegible] 29 [illegible]

[illegible] [3] [illegible]

2.1.3 [illegible]

[illegible]

(1) [illegible] (1996/849) [illegible] 1997 [illegible] 5 [illegible]
.3501 :[illegible]

(2) C.A. Paris 15 ch.B, 29 mars 1985, reformation, de T.G.I. de Bobiogny 6 ch. 21 sept. 1982: D.1986,I.R..327, obs: Vasseur (M).

(3) Cass. Civ. 2 janv. 1998, D.1998, p. 192.

(pin code)

(1) .67-66

(2) .408

[illegible]

(1) [illegible] 409.

(2) [illegible] .22.

(3) [illegible] .28.

(1) .29

(2)

.409

(3) 1998 1998 .192

.105

1-

2-

1-

2-

3-

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنتُم بِدَيْنٍ إِلَى أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ وَلْيَكْتُب بَّيْنَكُمْ كَاتِبٌ بِالْعَدْلِ﴾ (3).

(1) 410.

(2) 26-27.

(3) 282.

1.2.3

[illegible]

﴿إِلَّآ أَن تَكُونَ تِجَٰرَةً حَاضِرَةً تُدِيرُونَهَا بَيۡنَكُمۡ فَلَيۡسَ عَلَيۡكُمۡ جُنَاحٌ أَلَّا تَكۡتُبُوهَا﴾ [2].

(51) ... (12) ... 1966 ...

(1) ... .30

(2) ... :282.

[illegible]

[illegible] (28) [illegible]

[illegible]

[illegible]

[illegible] .[1]

[illegible]

[illegible] 2000 [illegible] (28) [illegible]

[illegible] 2002 [illegible] (86) [illegible]

[illegible]

[illegible]

[illegible] .[2]

[illegible] (28) [illegible] 2000

[illegible] /92) [illegible]

[illegible]

[illegible]

[illegible]

---

(1) [illegible]

[illegible]

[illegible]

[illegible]

[illegible] (251) [illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1975 [illegible] 409.

(2) [illegible]

[illegible]: www.barasy.com/forum/showthread.php

[illegible]

2002 [illegible] (76) [illegible]

[illegible]

(1) [illegible] 2000 [illegible] 17.

. [1] "...

. 2

(1/28) ... [2] ... [3] ... [4] ...

---

(1) (98/395) 1998/4/29 ... 46 ... 1998 ... .3666

(2) (2000/37) ...

(3) (1/60) ... .1999 (18)

(4) 1980/7/15 ... (1341) ... 1980/7/12 ...

Danniel ammar: prevue et vraismbalance, contribution a l'etude de la prevue technologique, RTD cv.n 3, juillet-september 1993, P499 et s.

.21

[illegible]

(1) [illegible]

(2) [illegible] (2006/2734) [illegible] 2007/1/22 [illegible]

(3) [illegible] 1997 [illegible] .216

[1]

(28)

[2]

(1/29)

1 -

[3]

(1) .152 -151

(2) .148 -147

(3) .149

2.2.3

(1) .54

[illegible] 1

[illegible]
[illegible]
.[1][illegible]

[illegible]
[illegible]
.[2][illegible]

[illegible] (2/30) [illegible]
[illegible]
[illegible] 2- [illegible]
[illegible]
[illegible]
.[illegible]

[illegible]
.[illegible]

[illegible] (1/63) [illegible]
[illegible]
.[illegible]

[illegible]
[illegible]
:[3][illegible]

---

(1) [illegible] .20[illegible]

(2) [illegible] .224[illegible]

(3) [illegible] 348 [illegible]
[illegible] 1980/7/2 [illegible] 80/252 [illegible] Les regles ci-dessus recoivent encore exception lorsquse lobligation est nee dun quasi-contrat, dun delit ou dun quasi-delit , ou lorsque lune des parties , soit na

[illegible] (1) [illegible] (2/30) [illegible] (2) [illegible]

[illegible] (348) [illegible]

[illegible] (3) [illegible] (2/30) [illegible]

---

pas eu la possibilite materielle ou morale de se procurer une prevue litterale de lacte juridique , soit a perdu le titre que lui servait de prevue litterale , par suite dun cas fortuit ou dune force majeure. Elles recoivent aussi exception lorsque une partie ou le depositaire na pas conserve le titre original et present une copie qui en est la repro-duction non seulement fidele mais aussi durable . est repute durable toute reproduction indelebile de loriginal que entraine une modifica- tion irreversible du support.".

(1) [illegible] 359.

(2) [illegible] 138.

(3) [illegible] (1997/706) [illegible] 1996/4/21 [illegible] 2684 [illegible] 1997.

(1) ... 1970/1/8 ... 465 ... 35 ... .25

(2) ... .143

(3/ 30)

/63)

(1) .137- 135

(2) 1993 65 26- 25

(3) .150- 149

(1) Celui auquel on oppose un act sous seing prive, est oblige d'avouer ou de desavouer formellement son ecriture ou sa signature.

(2) ... 53.

(1) [illegible] 431- 439.

(1) ... 2007/3176 ... 2008/6/3 ...

(2) ... 670 ... 50 ... 1984/5/17.

(3) ... 156.

(4) ... (67\98) ... 5 ... 1967 ... 668.

3.3

1.3.3

- 1" : 2001

(6)

(1) A/cn .9/465 (2000/5
.(65

(1) (2000/5 .9/467 cn 63).

(1) .29-25

.[1]

.

.[2]

2.3.3

.

1 -

(1) A/CN.9/WG.IV/wp.82-8 .22- 21

(2) .30

(1) Sinsi , vin cenzo, electronic signature legislation, op, cit, p. 489.

(3) Marie VARANDAT: consolidation des infrastructures a cles publique avant leur prochain decoulage, droit de l'informatique, mars 2000, p. 22.

[illegible] (1)

[illegible] (2/1) [illegible]

[illegible] (2)

[illegible]

- 2 [illegible]

[illegible] (15) [illegible] (15) [illegible] 2004 [illegible]

[illegible] (15) [illegible] (3)

[illegible] (15) [illegible]

(1) Com., 2 dec. 1997, D. 1998, 192; jcp 1998, ed E. p. 178.

(2) [illegible]

(3) [illegible] .53

(1) .131-129

[illegible] 2004 [illegible] (15) [illegible] [1] [illegible]

4.3 [illegible] 2001 [illegible] (85)

[illegible] 2001 [illegible] (85) [illegible] [2] [illegible]

1.4.3 [illegible]

[illegible]

(1) [illegible] 395-396.

(2) [illegible] 186.

- 1

(1)

(2)

(1)

.28

(2) .151

4.3

1 -

(1) "digital time stamp" "authorizing certificate" "attesting certificate"

.344

2 -

(32)

1 -

2 -

[illegible]

[illegible]:

1 - [illegible].

2 - [illegible].

3 - [illegible].

4 - [illegible].

5 - [illegible].

6 - [illegible].

[illegible]

[illegible].[1]

(1) [illegible] 98-99.

وتمييز توقيعه بشكل واضح

[illegible]

[illegible]

[illegible] (2008) [illegible]

[illegible]

[illegible] (2008) [illegible]

[illegible]

[illegible]

[illegible] (1985) [illegible]

[illegible]

[illegible] (2003) [illegible]

[illegible]

[illegible]

[illegible] (2003) [illegible]

[illegible]

[illegible] (2003) [illegible]

[illegible]

[illegible] (2003) [illegible]

[illegible]

[illegible] (2002) [illegible]

[illegible]

[illegible] (2003) [illegible]

[illegible]

[illegible] 12-10 [illegible]

[illegible] (1997) [illegible]

Andr`e Bertrand, 1999 **que sais-je**? Internet et le droit, presses universitaires de france.

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C.A paris , 22 mai 1978, D 1979. somm.

C.A. Paris 15 ch.B, 29 mars 1985, reformation, de T.G.I. de Bobiogny 6 ch. 21 sept. 1982: D.1986,I.R..327, obs: Vasseur(M)

Danniel ammar1993: prevue et vraismbalance, contribution a l'etude de la prevue technologique, **RTD** cv.n 3, juillet - september.

Deverys (C.) 1996: **du sceau numrique a la signature nrmrique**, Rops. OJ,T.L, 33. Dhenin, vers une adminsteration sans popier, paris, la documentation francaise.

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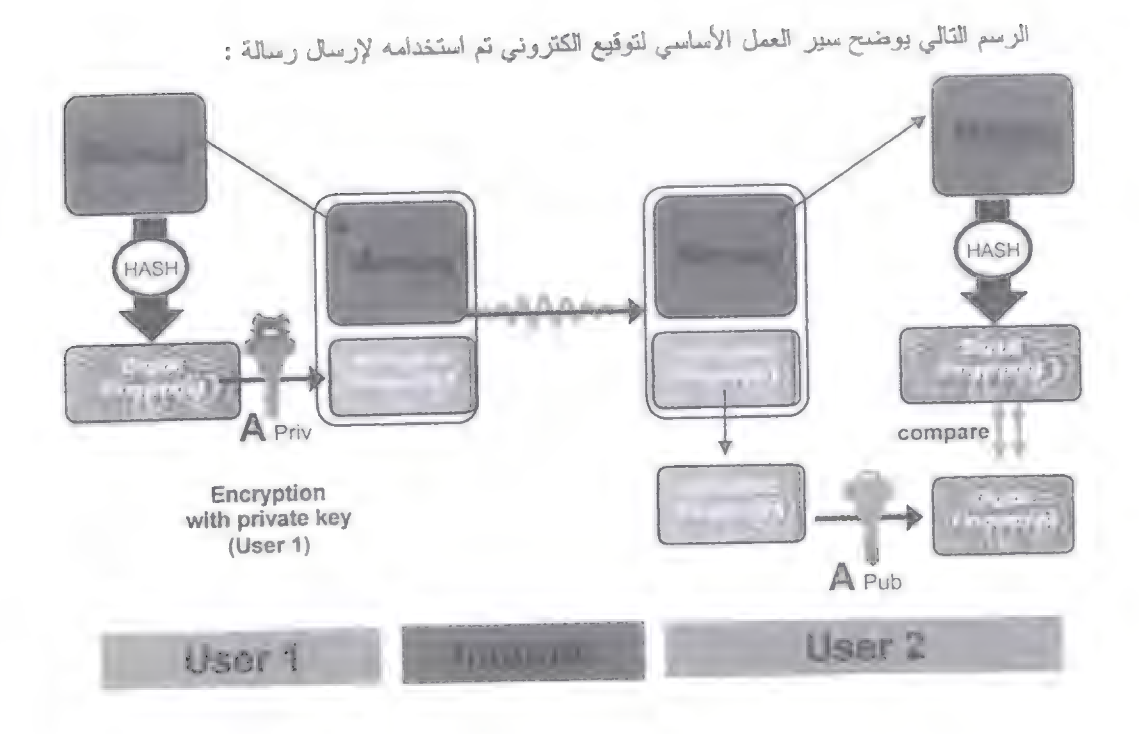
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une facult'e d' 2000 **'ბu' ils de'finissent le courier e'lectronique comme E'change asynchrone des messages entre ordinateurs** - p. breese G. kaufman, quide Juridique de l`internet et du commerce `electronique, vuibert.

[illegible]

[illegible]

الرسم التالي يوضح سير العمل الأساسي لتوقيع الكتروني تم استخدامه لإرسال رسالة :



[illegible]

[illegible]


جهاز قارئ البصمة من Microsoft
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[illegible]

[illegible]



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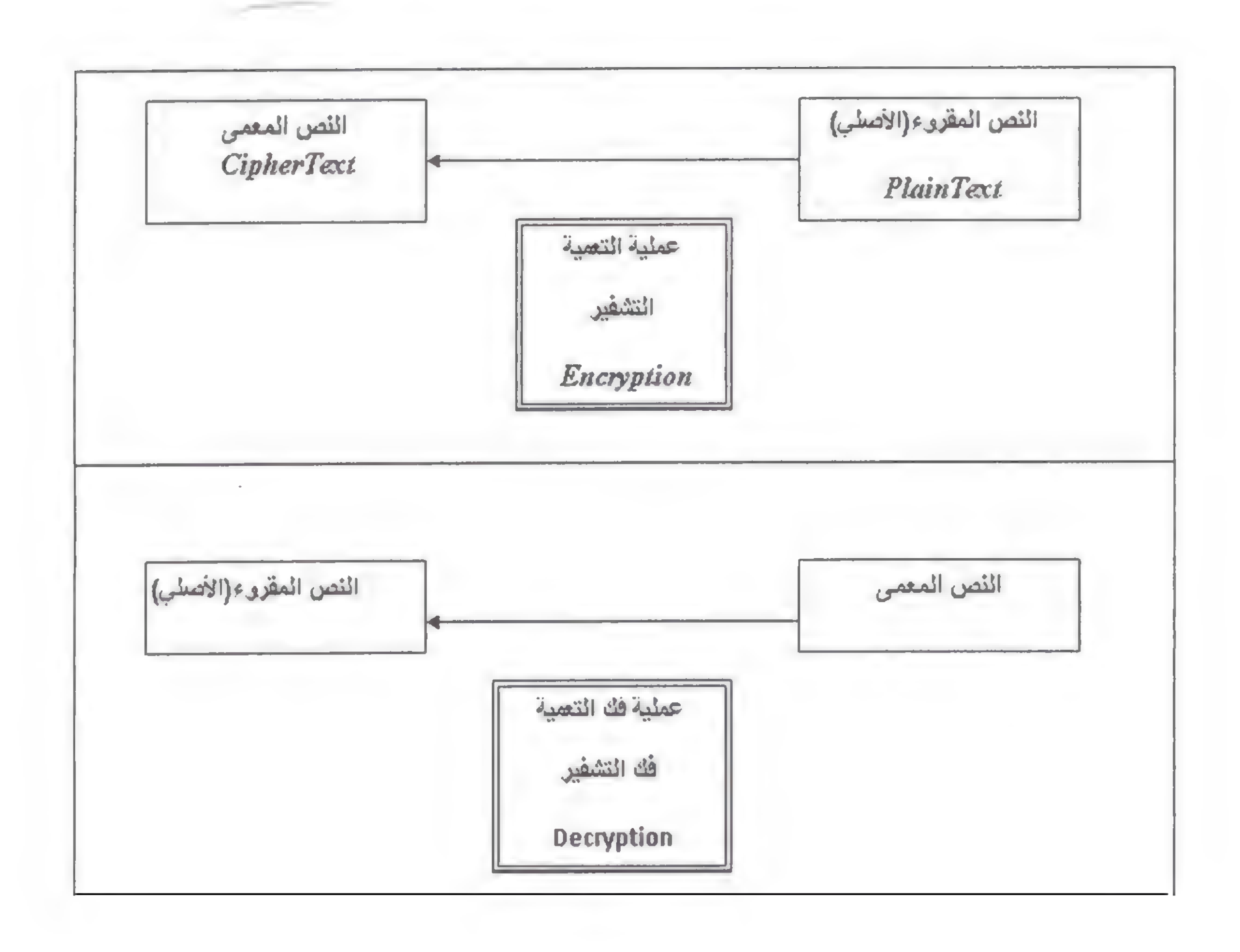
التوقيع الالكتروني يتجنب كافة مشاكل التوقيع اليدوي

[illegible]

[illegible]

[illegible]

[illegible]


النص المقروء(الأصلي)
PlainText
النص المعمى
CipherText
عملية التعمية
التشفير
Encryption
النص المعمى
النص المقروء(الأصلي)
عملية فك التعمية
فك التشفير
Decryption

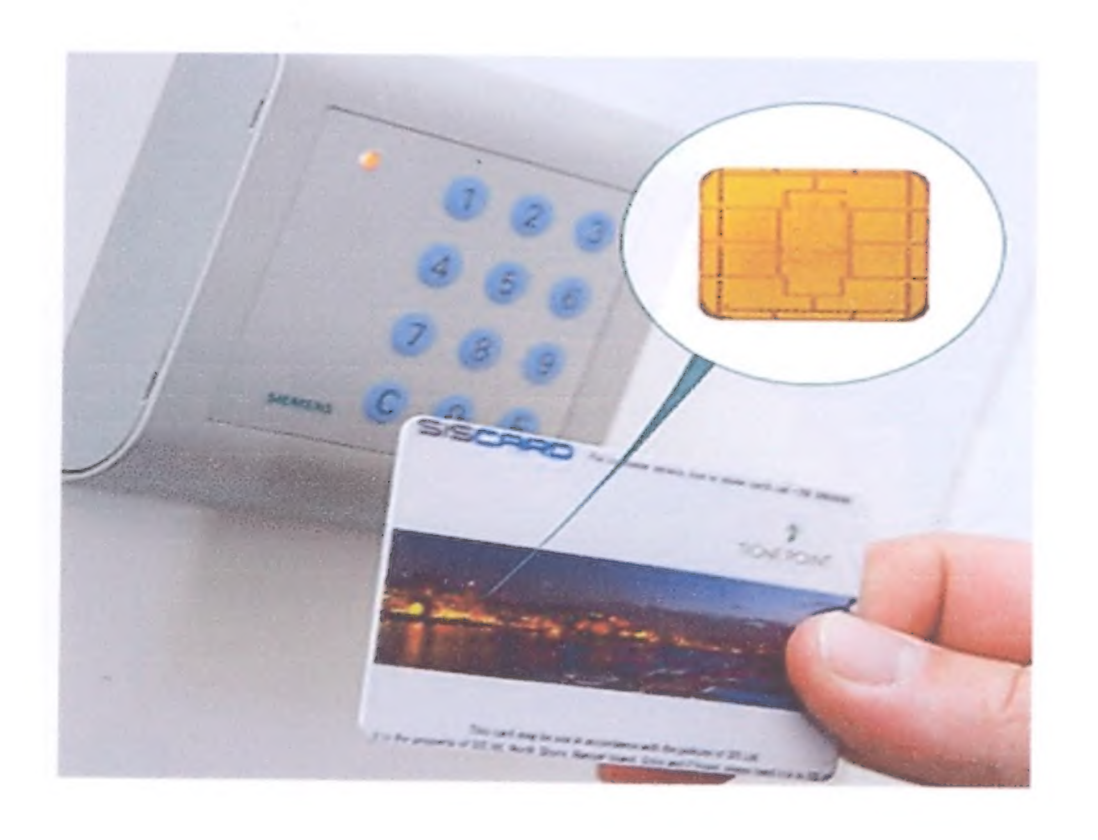
[illegible]

Hash function [illegible]

[illegible]

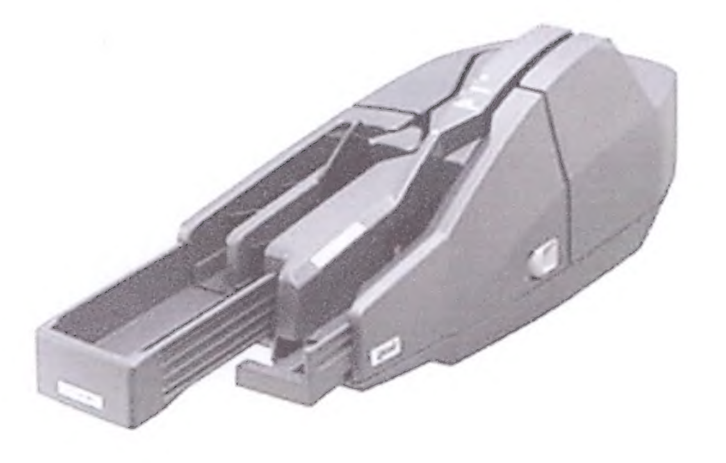
[illegible] (ATM)

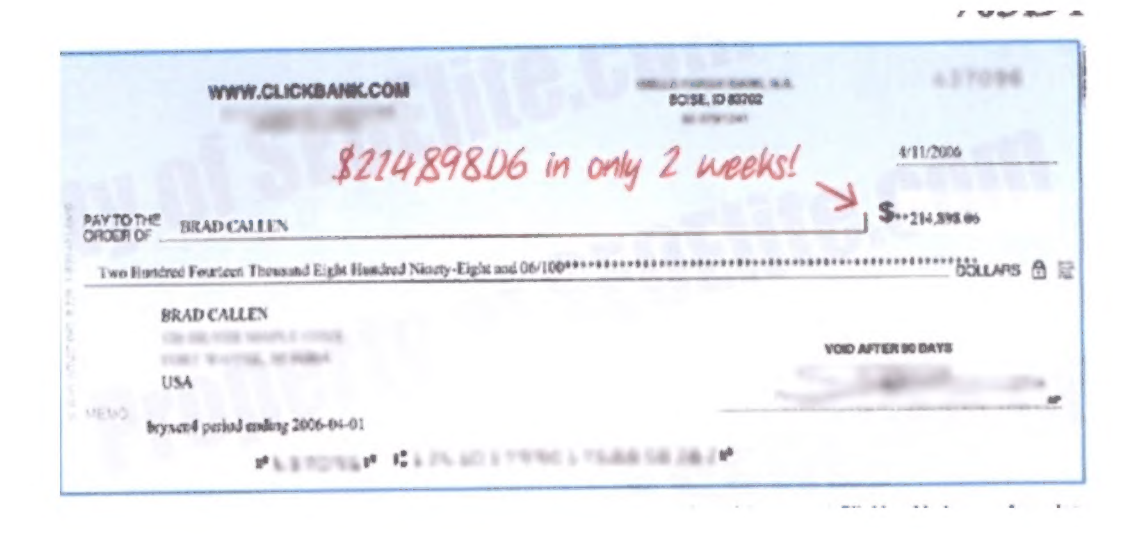
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